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THE WHITE HOUSE

WASHINGTON

June 28, 1975

MEMORANDUM FOR: TED MARRS

FROM: JOHN BORLING ^{4/17}

SUBJECT: Indian Meeting

Jack Marsh has forwarded a memo package that asks for a meeting with the President and 20 to 50 officers and members of the Board of the National Tribal Chairman's Association, Tab A.

Jack is replying to a letter written by Ben Reifel (Indian Bank) and asks that you attach your recommendations to the the memo package.

DISCUSSION:

It occurs that such a meeting is exclusive to the other Indian associations and would be open to the "see me too" syndrome from those others. It is premature to have this meeting without a decision, or the necessity to force same, on the Interagency Task Force. I would suggest a grouping of the major associations etc. that represent Indian interests and, going for top leadership, put the issues on the table (including the Task Force if no progress has been made) and go at it with the obvious lesson being learned that they (the Indians) are going to have to learn to speak with a cooperative and coordinated--if not a unified--voice. The President would play a 20 minute role at the end of a two hour session in the Cabinet Room. The timing for this meeting should be in the month preceding or the two months subsequent to the New Mexico swing that is planned in Sept.

DECISION

Group Meeting in Aug _____ Group Meeting in Oct _____

NTCA Meeting as proposed _____

Recommend Against NTCA Meeting as proposed _____

MEMO FOR SIGNATURE, Tab B.



A

THE WHITE HOUSE

WASHINGTON

June 24, 1975

MEMORANDUM TO: TED MARRS

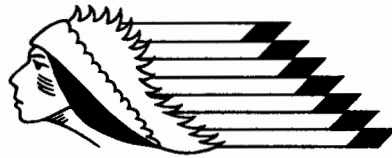
FROM: JACK MARSH

Please attach your own personal recommendation to Ben Reifel's request and then forward it directly to Warren Rustand for further action by him.

Thanks.



JUN 14 1975



AMERICAN INDIAN NATIONAL BANK

1701 PENNSYLVANIA AVENUE, NORTHWEST, SUITE 310, WASHINGTON, D. C. 20006

June 13, 1975

Dear Jack:

I sent this out to the White House today. If it comes up so you do it approximately would you follow up on it with the President's appointments secretary?



If such a visit could be made by this group it would be important to our Indian-federal relations which need improving because of the activist influences from persons who do not represent the reservation Indians as does the Chairman.

Ass'n.

Sincerely

John Marshall
Counselor to the President
The White House

Ben Reifel



AMERICAN INDIAN NATIONAL BANK

1701 PENNSYLVANIA AVENUE, NORTHWEST
WASHINGTON, D. C. 20006

June 12, 1975

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

This a request from the Indian leaders of National Tribal Chairmen's Association for a meeting with their President:

- (1) To acquaint him with their organization
- (2) To discuss the American Indian Policy Review Commission recently established by Congress and,
- (3) To suggest the issuance of an Executive Order on the subject of the Indian way of life.

The National Tribal Chairmen's Association is the only Indian organization which by popular vote represents the Indian population, tribes and reservations for which the Federal government has special responsibility. The Association is similar in its make-up to the National Council of Mayors and the National Council of State Governors. It represents more than 190 tribes that have jurisdiction over 90% of the Federally-recognized land based Indian tribes.

During my 25 years in the Bureau of Indian Affairs and 10 years in Congress I was associated in one manner or another with many of these elected officials. They have never had the honor to pay their respects to their President and to take up the pressing issues of their people with him.

They have come to me in hopes that, by virtue of my acquaintance with top officials on your White House staff, arrangement might be made for an audience with you. The Association was organized in 1971 to provide a unified voice for the federally recognized Indians of the United States through duly elected Indian leaders and it is meeting this objective in an effective manner.

Should their request be favorably entertained, (and I sincerely hope it will as it would enable them to counteract some of the unfavorable publicity about Indian-federal relation being generated by the Wounded Knee take-over) they are prepared to meet with you with a delegation of from 20 to 50 duly elected Indian leaders who are officers and members of the Board of Directors of the National Tribal Chairmen's Association.



Page 2
The President

Enclosed is a copy of the letter to me from William Youpee, Executive Director, National Tribal Chairmen's Association that goes into more detail regarding their hoped for meeting with the President.

Since I am frequently away from Washington it will be desirable that reply to this request be sent to Mr William Youpee, Executive Director, National Tribal Chairmen's Association, Suite 406, 1701 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

Sincerely,

Ben Reifel
Chairman of the Board
American Indian National Bank

Enclosure



NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION

Suite 406 1701 Pennsylvania Avenue, N.W. Washington, D. C. 20006

202 — 343-9484

May 28, 1975

Dr. Ben Reifel
Chairman of the Board
American Indian National Bank
1701 Pennsylvania Avenue, N.W.
Washington, DC 20006

Dear Dr. Reifel:

The purpose of this letter is to finalize and to confirm the discussion in my office in April, 1975. It is also to request your assistance in establishing a meeting between the President of United States and National Tribal Chairmen's Association as early as such a meeting can be arranged. This request covers three (3) basic areas of immediate concern which are:

Meeting between the President of the United States and the National Tribal Chairmen's Association, i.e., Officers, Board of Directors and selected Committee members.

A discussion on the the American Indian Policy Review Commission recently established by Congress.

A discussion which considers an issuance of an Executive Order upon the subject of the Indian way of life, particularly the cultural traditional aspects of the American Indians.

The following will reflect some background and more detailed information about the request for a meeting with the President and the tenor of some of the discussions which we desire.

Background on the National Tribal Chairmen's Association (NTCA):

The NTCA was formed in 1971 to provide a unified voice for the federally-recognized Indians of United States through duly elected Indian leaders.

Requirement for the membership in the NTCA is very simple, the members are duly and Democratically elected leaders of Indian tribes and Indian reservations. It may be mentioned here that it is recognized that there are many other Indian organizations in this country, but it should also be recognized that the NTCA is the only Indian organization which represents the Indian population, tribes and reservations for which the government has a special responsibility. These are the Indians and Tribes for whom the government has a trust responsibility dating back to the Constitution of the United States. The NTCA and the government share this responsibility, because they are the elected leaders and spokesmen for these particular tribes of Indians whom are federally-recognized. No other Indian organization is organized in this way and cannot claim to share the responsibility with the United States government nor can any other Indian organization claim to be the bona-fide federally-recognized Indians.

The NTCA represents over 190 tribes, who represent over 90% of the Federally-Recognized Land Based Indian Tribes;

The NTCA recognizes that the available statistics on the many needs of the Indian people are not reflective of all Indians in the United States. This is because available statistics on low education, poor health, high unemployment and poor housing are all indicators of the needs of the federally-recognized Indians. There are no comparable data for the total Indian population of this country, and there should be a continuing effort through the government to meet the needs of the federally-recognized Indians.

The purposes of the NTCA are many and they are complex. The Constitution and By-laws of the Association is attached for your future information. You will find that the NTCA is organized to perpetuate the culture and tradition of the Indian people as it relates to Indian lands, history and environment. You will also note from Article Three that the purposes are more clearly defined, including being a spokesmen for all Indian tribes under the aegis of elected Indian leaders. You will note from this Constitution that the NTCA is similar in its make-up to the National Council of Mayors and the National Council of State Governors. The Indian leaders of the NTCA serve at the pleasure of its constituency which elected them in the first place and which is the grass roots of the federally-recognized Indian situations in the country. The NTCA acts primarily as a consultant to the United States Government and the discharge of its responsibilities to the federally-recognized Indians. This is a radical departure from the previous practice of engaging consultants from all sectors of the American community without the participation of the Indian leaders who are elected by Indians themselves.

In view of the foregoing and recognizing the trust responsibilities it is the desire of the NTCA to meet with the President and to build upon the responsibility which is shared by the Government and NTCA. It is hoped that a meeting with the President of the United States will begin a close working relationship between all agencies of the government with this unique National Council of elected Indian leaders.

Background On American Indian Policy Review Commission:

The American Indian Policy Review Commission was established by the 93rd Congress to review the responsibility of United States of America to Indians. This includes a review of the trust relationship, the Bureau of Indian Affairs, the federally-recognized and non-recognized Indians of the country much in the fashion of the Merian Commission of the 1920's. The purposes and the role of the American Indian Review Commission makes this an important issue to Indians.

The Senate appointed Senators Abourezk, Hatfield and Metcalf while the House of Representatives appointed Congressmen Meeds, Yates and Steiger. These six (6) members, three (3) Senators and three (3) Congressmen then appointed one Indian who was non-federally recognized, one Indian to represent Urban Indians and three (3) Indians from the federally recognized Indian community. Adolph Dial (Lumbee, North Carolina) was appointed as a non-federally recognized Indian member. Louis R. Bruce (Mohawk-Sioux, New York City) was appointed as an Urban Indian member. The appointment from the federally-recognized Indian community included: Ada Deer (Menominee, Wisconsin), Jake White Crow (Quapaw, Oklahoma) and John Borbridge (Tlingit, Alaska). The NTCA objected to the appointment of the three (3) individuals representing the federally-recognized Indians. This objection was manifest in resolutions directed to the American Indian Policy Review Commission and a copy is attached for your information.

The NTCA has petitioned the Commission to cease further activities until the elected Indian leaders who represent the aspiration of the federally-recognized Indians are involved. The NTCA wishes to discuss this issue with the White House in the hope that the White House and the Secretary of the Interior intercede to protect the interest of the federally-recognized Indians if the Commission persists in carrying out the provisions of the Bill which established the American Indian Policy Review Commission. It is hoped that this might be mentioned during the requested meeting with the President although we will not expect the President himself to address himself to these details during the meeting.

Background on the Indian Way of Life, Culture and Tradition of the American Indian:

It has long been recognized that the culture and tradition of the American Indian has been disappearing at an alarming rate in the last centuries. This issue gained particular urgency in recent years when laws were enacted to protect endangered species and use of plants, water and other parts of the Indian environment and way of life. Enforcement of bird protection laws (forty years after their passage), use of plants, rivers and religious sites have continually placed the Indians in violation of laws which have been enacted for other purposes. Because of this, Indians have not knowingly violated the laws of United States, but the laws of United States continually and increasingly violate the culture and tradition of the American Indians. Concern over this issue gave rise to the organization of the National Association on American Indian Traditional and Cultural Activities which was sponsored by the NTCA in 1974. The Association adopted a position paper which is attached hereto for your information. It is the desire of the NTCA that a discussion be held between the White House and the NTCA to consider the issuance of an Executive Order to perpetuate the Indian Culture and Tradition and indeed the Indian way of life.

The foregoing are the issues which we would want to discuss with the White House and for consideration by the President of the United States. We recognize that a meeting with the President of the United States would give recognition to the elected leaders of the federally-recognized Indian and tribes in the manner which would give the needed attention by all agencies of the government. If this proposal is favorably entertained by the White House, we would be prepared to meet with the President with a delegation of from 20 to 50 duly elected Indian leaders who are officers and members of Board of Directors of the NTCA.

The letter is being forwarded to you consistent with the understanding which we reached during our discussion in my office as noted before. If you should require further information or have any questions, please feel free to contact me.

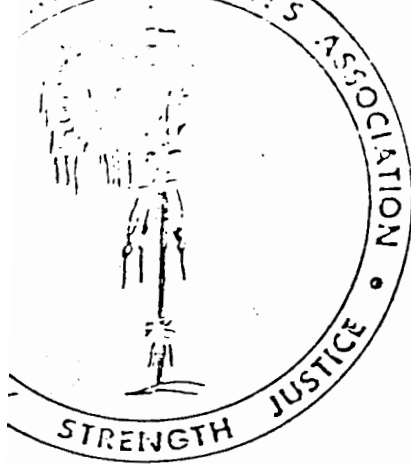
Sincerely yours,


William Youpee
Executive Director

Attachments

B





NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION

Suite 207 1701 Pennsylvania Avenue, N.W. Washington, D.C. 20006
202 - 343 9484

September 2, 1976

Honorable Thomas S. Kleppe
Secretary of the Interior
Department of the Interior
18th and C Street, N.W.
Washington, D.C. 20240

Dear Mr. Secretary:

It is with regret that we advised your office this morning that chairmen representing the National Tribal Chairmen's Association would not attend the meeting with you as scheduled for this afternoon. We appreciate your willingness to meet with us and understand that your responsibilities and resulting schedule are demanding.

We realize that the Commissioner's telegram to President Wendell Chino asked NTCA to determine the agenda and provide you and the Commissioner with items to be discussed a week ahead. President Chino is a leader of his people. He gives wisdom and direction, but when he speaks on behalf of NTCA it is representative of the opinions of NTCA members. President Chino did not believe it fair to submit an agenda which did not constitute the consensus of NTCA's Board Members. It was not possible for this group to convene a sufficient number of days prior to the meeting in order to prepare an agenda for submission a week ahead.

NTCA board members met this morning, therefore, for the original purpose of finalizing their ideas regarding the issues to be brought to your attention and the manner in which they would be presented. Yesterday, however, I received copies of President Mel Tonasket's letters of July 28 and August 19, 1976. We had not been sent copies of these letters by President Tonasket. We felt concerned that the issues he chose for discussion with you, though certainly of significance, were matters of concern to specific, individual tribes, and were presented in such a technical manner, that only those chairmen and attorneys involved in the particular cases could adequately address them. We also felt that the manner in which the issues were presented was not as conducive to meaningful communication as it could have been. Certainly,



Honorable Thomas S. Kleppe

September 2, 1976

Page 2

the broad overall problem indirectly addressed in the letters, that is, the implementation of the Secretary's trust responsibility, is a matter of national concern to all Indian tribes. We respect the right of the National Congress of American Indians to conduct its dialogue with the Department of the Interior in any manner which it chooses and to discuss issues which it considers significant. At the same time, however, the National Tribal Chairmen's Association will communicate with the Department in a manner and regarding the issues which we believe most likely to assist both the Department and the tribes in carrying out the responsibilities of each and resolving the problems of federally recognized Indian tribes.

For example, we would like to discuss with you the implementation of the trust responsibility to protect tribal natural resources. We would like to seek ways that working together we can resolve some of the difficulties which hinder that implementation, for example, the existence of the conflict of interest. We believe that there are ways, even without the existence of the Trust Counsel Authority, to alleviate that conflict. As you know, at our Fourth Annual Convention in Albuquerque in several of the workshops held, the conflict was examined and ways in which to assist in its resolution suggested. These ways were further discussed at NTCA's board meeting held in Miccosukee, Florida, which Deputy Under Secretary Ickes, Deputy Commissioner Frankel, Mr. Theodore Krenzke, and Mr. LaFollette Butler attended. We would like to talk with you personally about your support and assistance in our efforts to resolve these issues, as well as others. Our concerns center around the issues raised in our workshop papers and in the special objectives which NTCA has set for accomplishment within the year following the convention. We have discussed them with the Commissioner and with his staff and found that they are receptive to a constructive working relationship. We strongly believe that if these broad, basic issues are resolved at the national level, then we will have gone far in alleviating the painful and repetitive problems which exist at the tribal level as a result of these issues. We believe firmly that the purpose of the National Tribal Chairmen's Association is to address broad national issues and work toward their resolution. We also believe that to accomplish such significant tasks, we need the support, assistance, and encouragement of the high office of the Secretary of the Department of the Interior.

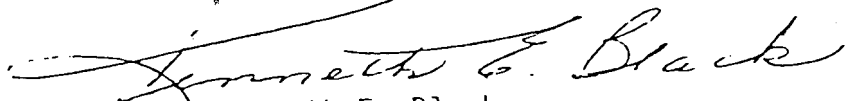
We believe that as Secretary you are the principle trustee in the unique relationship which exists between the Federal Government and federally recognized Indian tribes. The National Tribal Chairmen's Association is composed of the official elected or appointed leaders of one hundred and ninety federally recognized tribes. Membership in the organization is limited to official leaders and is not open to individual tribal members. NTCA is, therefore, a governmental organization which according to the preamble of its constitution serves as the official voice of these leaders in promoting social, educational, economic and governmental progress among their Indian people. The relationship between the Secretary, as representative of the United States Government, and the National Tribal Chairmen's Association is, therefore, a government-to-government relationship, in which both work together to further the



Honorable Thomas S. Kleppe
September 2, 1976
Page 3

maintenance of the Federal Government's unique and continuing relationship with and responsibility to the Indian people. We respectfully request that at the earliest possible time you meet with the Board Members of the National Tribal Chairmen's Association in the spirit of good will and cooperation. Please be advised that our staff is looking forward to working with your staff in establishing the time, date, place and agenda for the meeting.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth E. Black". The signature is written in dark ink and is positioned above the typed name and title.

Kenneth E. Black
Executive Secretary

cc: Morris Thompson
Commissioner of Indian Affairs



NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION

Suite 207 1701 Pennsylvania Avenue, N.W. Washington, D.C. 20006
202 - 343-9484

October 8, 1976

Honorable Bradley Patterson
Special Assistant to the President
The White House
Washington, D.C. 20500

Dear Mr. Patterson:

On behalf of the National Tribal Chairmen's Association may I express my appreciation for your willingness to attend and participate in our Board Meeting October 14, 1976. As you will note, we have included you on our agenda in the opening minutes of the meeting and look forward to your remarks. Among other topics which you may wish to discuss may I suggest the Interstate Congress for Equal Rights and Responsibilities. We are, of course, concerned about the activities of this group and like-minded organizations and individuals and would like for you to share your knowledge of them with us and your direction to us regarding what action we should take in the months ahead.

We look forward to being with you on Thursday morning.

Sincerely yours,

William Youpee
William Youpee
Executive Director

Enclosures



Tentative Agenda

National Tribal Chairmen's Association
Board of Director's Meeting
American Indian Bank
10:00 A.M.
October 14 and 15, 1976

Call to Order: Wendell Chino, President, NTCA
Invocation: Kenneth Black, Secretary, NTCA
Opening Remarks: Wendell Chino, President, NTCA
Roll Call: William Youpee, Executive Director, NTCA
Remarks: The Honorable Bradley Patterson
Special Assistant to the President

The Honorable Morris Thompson
Commissioner of Indian Affairs

Dr. Emery A. Johnson
Director, Indian Health Service

Topics for Discussion: *

- ✓ Interstate Congress for Equal Rights and Responsibilities
- ✓ Indian Health care Improvement Act, P.L. 94-437

Office of Indian Education, Bureau of Indian Affairs - Reorganization; JOM
Funding Allocation; Consultation Process

Training and Technical Assistance - Broadly, with emphasis on P.L. 93-638

Role Clarification - Pilot Project, Albuquerque Area

P.L. 93-638 Regulations Comments - NTCA Proposals

Office of Native American Programs - Program Review; Selection of Director

- ✓ American Indian Policy Review Commission - Review and Follow-up

Indian Desk Consultation Scheduled

Reorganization of Senate Committees for Ninety-Fifth Congress

Legislative Proposals for NTCA for Ninety-Fifth Congress

Standing Committees - Reports

Discussion memo
Proclamation
BIA assignment

Coordination



Ad Hoc Committees - Reports

Plans for Meeting with The Honorable Thomas S. Kleppe, Secretary of the Interior

* Calls and letters of invitation have gone to Federal officials, other individuals and organizations knowledgeable on these topics, asking their participation in these discussions.



THE WHITE HOUSE
WASHINGTON

11 ad hoc
Committees
Sept-Oct



NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION
OBJECTIVES AND PRIORITIES
1976, 77

I.

Expansion of P.L. 93-638 to all agencies (by means of proposed Executive order).

Supported by: Workshop/Panel I, Item 1

2.

Securing independent authority on the part of the Bureau of Indian Affairs and the Office of the Associate Solicitor for Indian Affairs in the Interior Department to advocate Indian positions through litigation and require adoption and advocacy of that position by the Justice Department (by means of Administrative Action).

Supported by: Workshop/Panel II, Item 1
Workshop/Panel V, Item 2

3.

The creation of a permanent, effective coordinating organization in the White House (by means of Administrative Action).

Supported by: Workshop/Panel III, Item 1
Workshop/Panel I, Item (B)
Workshop/Panel IV, Item 2

4.

Federal Government should recognize and deal with tribal governments as entities with status no less than that of states (by means of Legislative Monitoring).

Supported by: Workshop/Panel IV, Item 1A, and 1B

5. *Cecil Williams*

Indian Rights Impact Statement (by means of Administrative Action).

Supported by: Workshop/Panel V, Item 3A

6.

The survival of Indian society depends on its ability to project itself into the future. This projection will occur through Indian youth. The future protection of trust natural resources and Indian society depends upon the development of Indian youth as Tribal leaders and their response to future challenges.

National Tribal Chairmen's Association advocates training for Indian youth not only in areas of policy making but also in the technical and professional fields, encouraged to take training in natural resources (by means of a Policy Paper).

Supported by: Workshop/Panel VI, Items 3 and 4

NOTE: Each of the above priorities was selected as the number one priority from each of the six Panel/Workshop groups. The remaining five priorities, 7-11, are suggested for inclusion within a proposed total of 11 priorities for primary action during the coming year. Should circumstances develop, Executive Director is free to act on other recommendations not identified among these 11 priorities.

7.

Support I.H.S. and Indian Housing legislation and programs essential to federally recognized tribes.

Supported by: Workshop/Panel IV, Item 5

8.

Strengthen tribal governments through program support to maintain inherent sovereignty of tribes and on their own terms build the capacity to man and manage programs and to monitor the delivery of service.

Supported by: Workshop/Panel II, Items 4 and 5
Workshop/Panel IV, Item 3
Workshop/Panel VI, Items 2 (see first and last paragraph of 2, Recommended Action), 5, and 6

9.

Development of mechanism by which National Tribal Chairmen's Association would have input into the federal budgetary and appropriations process as required by Act of June 18, 1934, 48 Stat. 984, as amended.

Supported by: Workshop/Panel I, Item 2
Workshop/Panel III, Item 2
Workshop/Panel I, Item B
Workshop/Panel IV, Items 4
Workshop/Panel VI, Item 1 (see second paragraph of 1, Recommended Action)

10.

Development of programs where possible to acquaint state and local subdivisions and citizens generally of nature and scope of tribal sovereignty and proprietary interest in trust property.

Supported by : Workshop/Panel I, Item 3
Workshop/Panel II, Items 3 and 7
Workshop/Panel V, Item 4D (1)

11.

National Tribal Chairmen's Association as the focal point and advocate for Indian tribes in all federal programs, decisions, and actions affecting federally recognized tribes.

Supported by: Workshop/Panel II, Item 8
Workshop/Panel IV, Items 2A and 2B
Workshop/Panel VI, Item 2 (see second paragraph of 2, Recommended Action)



NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION

Suite 207 1701 Pennsylvania Avenue, N.W. Washington, D.C. 20006
202 - 343-9484

PANEL/WORKSHOP V TRUST RESPONSIBILITIES

1. TRIBAL SOVEREIGNTY

- A. The Federal government's trust responsibility includes the protection of tribal sovereignty from encroachment by other units of the government, including the federal government.
- B. ACCOMPLISHMENTS: None
- C. EVALUATION:
 - (1) While there has been some improvement in this area, the Justice Department remains extremely reluctant to recognize its trust responsibility to assist tribes in defending their sovereignty when the issue becomes the subject of litigation.
 - (2) Despite numerous recommendations by NTCA-member Tribal Chairmen that the 1968 Indian Civil Rights Act should be amended, nothing has been done.
 - (3) The Interior Department Solicitor refuses to release a draft opinion that states, in effect, that there are no legal barriers to the exercise by the tribal governments of jurisdiction over non-Indians located within the boundaries of the reservation.
 - (4) The 1968 Indian Civil Rights Act mandated that the Department of the Interior cause to be published a model criminal code, a digest of Solicitor's Opinions and an up-date of Cohen's Handbook of Federal Indian Law, these documents are several years overdue. The Department of the Interior should act with all deliberate speed to complete this work.
 - (5) The Federal government in its protection of tribal sovereignty must of necessity enhance and strengthen tribal sovereignty in order that they can cope with constant attempts to undermine that sovereignty.

D. FURTHER ACTION:

- (1) The President and Executive Board of NTCA draft and present to the President of the United States a statement outlining the responsibility of the federal government in the area of trust responsibility and call upon the President to make it a policy of his Administration that the Justice Department and the Interior Solicitor support and assist the tribes when this issue is litigated.
- (2) The President and Executive Board of NTCA develop, present and secure adoption of a statement and acknowledgement by the President of the United States of the federal government's trust responsibility to protect tribal sovereignty as well as secure adoption of that statement by the two national parties as a part of their political platforms.
- (3) NTCA President and Executive Board research and report on the International treaties (for example: The Geneva Convention Treaty, The Treaty of Guadalupe-Hidalgo, The Louisiana Purchase) affecting and guaranteeing the rights of indigenous people.
- (4) The President and Executive Board will evaluate and report to affected tribes on the proposed legislation that will establish 200-mile fishing limit off the coast of the United States.
- (5) The President and Executive Board urge the Attorney General to adopt a policy of notifying Indian tribes in writing, with explanation, when the Department of Justice refuses to provide requested assistance in civil litigation or declines to prosecute in criminal cases.

2. CONFLICTS OF INTEREST

A. Protection of trust resources through the elimination of conflicts of interests by posturing the trustee to advocate fully, vigorously and without reservation the rights and interests of the tribes against threats from any source; by removing any constraints upon those federal officials charged with administering the trust; and by serving as an advocate for the tribes and as an adversary to those interests which conflict with and threaten tribal trust resources.

B. ACCOMPLISHMENTS:

- (1) Establishment of the Office of Trust Responsibilities in the BIA Central Office and in some Area Offices.
- (2) Establishment of the Indian Resources Section within the Land and Natural Resources Division in the Justice Department.
- (3) Filing by the Interior Department of separate briefs in litigation in which Indians trust resources are threatened or challenged.



- (a) U.S. v. Critzer. The Fourth Circuit held for the Indian and against the U.S., adopting the Interior view, in which a tax prosecution of an Indian operating a motel and restaurant on an assignment at Eastern Cherokee Reservation.
- (b) Hollowbreast v. Northern Cheyenne Tribe. U.S. took no position on whether Supreme Court should review 9th Circuit decision holding that allottees, and not the tribe, owned coal resources beneath allotted lands on reservation. Interior submitted separate views supporting tribal ownership. Court agreed to hear case.
- (c) Catherine Creek Dam. The Umatilla Tribe is suing the Corps of Engineers to stop a flood control dam that would destroy a tribal fishing site. Justice is defending the Corps. Interior's separate views, supporting the Tribe, have been submitted to the Court. No decision has been reached yet.

C. EVALUATION:

- (1) The establishment of these offices and filing of separate briefs by Interior represents a recognition by the executive branch of its responsibility to free itself from constraints and to serve as an advocate for the tribes. However, the recent decisions in Quechan, Northern Cheyenne attorneys fees and tribal water codes clearly indicate that full advocacy has yet to be realized.

D. FURTHER ACTION:

- (1) The Executive Committee will draft procedures and standards which will serve to determine who is accountable for a federal action-decision adverse to tribal rights and interests.
- (2) The President of NTCA will forward the Committee's draft to the President of the United States, urging immediate adoption of it as a matter of policy, thus foregoing the needless delay of an Executive Order or regulations.
- (3) The President of NTCA will present the Committee's draft to the two political parties for adoption in their platforms.
- (4) The President and Executive Board urge the Secretary to accept and implement the Comptroller General's opinion authorizing the Department of the Interior to pay attorney fees in appropriate circumstances.

3. INDIAN RIGHTS IMPACT STATEMENT

- A. Protection by the requirement that an Indian Rights Impact Statement must be filed with the BIA and the tribe or tribes affected prior to finalization of plans by any federal agency when a proposed action by such Agency will affect tribal governments and their trust resources.



B. ACCOMPLISHMENTS:

- (1) BIA Commissioner has recommended to the Interior Secretary that the Bureau of Reclamation file with the BIA for review and comment any proposed irrigation project plans in order to determine whether the proposed project might adversely affect Winters rights.

C. EVALUATION:

- (1) The Commissioner's recommendation is the first step forward to realizing this objective; however, the Secretary has yet to respond.

D. FURTHER ACTION:

- (1) The Executive Board of NTCA will draft guidelines which must be considered at a minimum in an Indian rights impact with guidelines for implementation.
- (2) The President of NTCA will present to the President of the United States the guidelines for adoption by his Administration as a matter of policy.
- (3) The President of NTCA will seek adoption of the recommendation by the two national political parties as a part of their platforms.
- (4) The President of NTCA will advise the Commissioner to continue his efforts to have the Secretary adopt the Commissioner's recommendation.
- (5) The President and Executive Board of NTCA will cause the Secretary of the Interior to develop a policy that will insure that the interest of the Indian Tribes in ceded areas are recognized and protected by federal agencies having administrative jurisdiction over these areas; e.g. religious shrines and historical sites.

4. TRIBAL MANAGEMENT OF TRUST RESOURCES

- A. Protection against exploitation of trust resources by implementing the policy that tribal governments will have the major role in the management and development of their trust resources.

B. ACCOMPLISHMENTS: None

C. EVALUATION:

- (1) There still remains substantial reluctance on the part of some BIA officials to appreciate the ability of the tribes to manage their trust resources efficiently and prudently, with Northern Cheyenne and Crow as examples.

D. FURTHER ACTIONS:

- (1) The President and Executive Board of NTCA cause the Secretary of the Interior to adopt a policy that the United States should firmly recognize that all Indian rights to natural resources, including rights to lands, water, timber, minerals and to hunt and fish, are held by the United States in trust for the Indian tribes or individual Indian owners. The full equitable ownership of these rights is in the Indian tribes or individuals. This recognition should emphasize that Indian rights to natural resources are completely separate from other federally owned lands and rights, such as public lands, national parks, monuments and wildlife refuges, and military reservations, as well as historical sites and national forests.
- (2) The President and Executive Board of NTCA urge the Secretary of Interior to formally adopt the policy enunciated in the coal-leasing policy statement as the policy for all tribal resource development.
- (3) The President and Executive Board urge immediate hearings on and enactment of Senate Bill 2652 which provides that information concerning trust resources of an Indian Tribe be exempt from disclosure under the Freedom of Information Act.

5. REASSERTION OF FEDERAL COURT JURISDICTION

A. Protection by the reassertion of federal court jurisdiction in regard to tribal trust resources.

B. ACCOMPLISHMENTS:

- (1) The Justice Department argued in furtherance of federal court jurisdiction before the Supreme Court in the Akin case.

C. EVALUATION:

- (1) Positive reaction as stated above.

D. FURTHER ACTIONS:

- (1) If the Supreme Court rules adversely to the tribes' interests, member tribes should seek an amendment to the McCarran Act which would exempt Winters rights.
- (2) NTCA will present, if necessary, an amendment to the McCarran Act to the two political parties for adoption in their platforms.



NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION

Suite 207 1701 Pennsylvania Avenue, N.W. Washington, D.C. 20006

202 - 343-9484

October 8, 1976

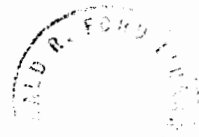
(Identical letter to Bureau Officials; special letter to the Commissioner)

Dear

The National Tribal Chairmen's Association will hold a meeting of its Board of Directors at 10:00 A.M., October 14th, in the Board Room of the American Indian Bank. On behalf of the Association I extend to you a most cordial invitation to attend. A tentative agenda is included for your reference. We would appreciate your being with us at the opening of the meeting and remaining as long as your schedule allows. Please make brief remarks to the Board should you wish to do so. Board members may have questions and comments which they will wish to bring up with you.

Under separate cover we have included a package of materials which we will be discussing at our Board Meeting and with Secretary Kleppe in our meeting with him on Friday, October 15th. These materials are not new to you nor to most of the staff of the Bureau. Primarily they concern the special objectives set by the Association for implementation during the coming year. It is these objectives, other recommendations made in the Fourth Annual Convention Workshop Papers out of which these special objectives grew, and the role and function of the National Tribal Chairmen's Association as it relates to the Bureau, the Department of the Interior and the Federal Government which we wish to discuss with the Secretary.

In our Board Meeting we will further refine our presentation to the Secretary. We certainly welcome your ideas which you would share with us regarding the meeting with the Secretary, as to its content and manner of presentation. We also thought these materials would be helpful to you in the event you are called upon to assist in preparing the Secretary for the meeting. We are, of course,



providing the Secretary with these materials and information regarding the matters we wish to discuss with him.

Sincerely yours,

William Youpee
Executive Director

Enclosure



October 27, 1976

Dear Bill:

Thank you for your letter of October 18 conveying to us Resolution 10/76-1 of the National Tribal Chairman's Association concerning LaFollette Butler.

I am bringing this promptly to the attention of Secretary Kleppe who will make the appointment and also to the Honorable Doug Bennett here at the White House who is the Director of the Presidential Personnel Office.

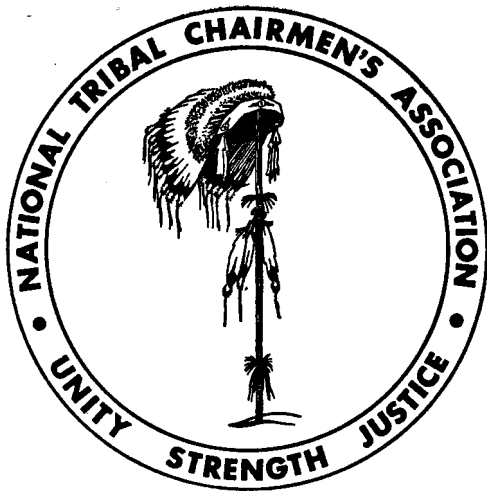
Sincerely,

Bradley H. Patterson, Jr.

Mr. William Youpee
Executive Director
National Tribal Chairmen's
Association
Suite 207
1701 Pennsylvania Avenue, NW.
Washington, D.C. 20006

cc: Secretary Kleppe,
cc: Doug Bennett





NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION

Suite 207 1701 Pennsylvania Avenue, N.W. Washington, D.C. 20006
202 - 343-9484

October 18, 1976

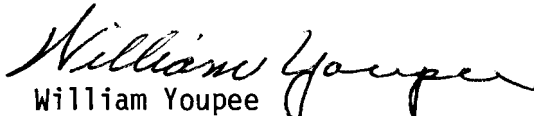
Honorable Bradley Patterson
Special Assistant to the President
The White House
Washington, D.C. 20500

Dear Mr. Patterson:

On behalf of The National Tribal Chairmen's Association I respectfully submit for your early consideration the enclosed NTCA Resolution, No. NTCA 10/76 - 1, recommending LaFollette Robert Butler be named Acting Commissioner of Indian Affairs.

This Resolution was passed by the Board of Directors at its meeting October 14, 1976.

Sincerely yours,


William Youpee
Executive Director

Enclosure





NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION

Suite 207 1701 Pennsylvania Avenue, N.W. Washington, D.C. 20006
202 - 343-9484

RESOLUTION

No. NTCA 10/76 - 1

WHEREAS, the Office of Commissioner of Indian Affairs will within the near future become vacant due to the resignation of the present Commissioner, the Honorable Morris Thompson, and

WHEREAS, the National Tribal Chairmen's Association has adopted a considered approach to the selection of a person to act in the Office of Commissioner of Indian Affairs, and

WHEREAS, in the exercise of that considered approach, there has evolved the identification of certain criteria which the Association believes a person occupying this high office should meet, and

WHEREAS, these criteria include the following:

- knowledge of the Federal Government system;
- demonstrated management ability;
- knowledge of tribal government from a legal and an historical perspective;
- demonstrated commitment to the principle of tribal self-determination and to the maintenance of the Federal government's unique and continuing relationship with and responsibility to the Indian people;
- knowledge of tribal government from a practical standpoint;
- awareness of tribal governments as distinct from Indian organizations;
- demonstrated ability to work with Indian organizations and tribal governments within their proper spheres;
- demonstrated accomplishment of long-term gains of nationwide significance for tribal government and trust resources; and

WHEREAS, the National Tribal Chairmen's Association has for a considerable time believed that the selection of persons to occupy positions of responsibility in the Agencies of the Federal Government should involve the direction of Indian tribes, and



WHEREAS, we now have in the Indian Self-Determination and Education Assistance Act, endorsed by this Administration, the philosophy and commitment to Indian tribal self-determination, which involves Indian tribal direction in Federal governmental decisions affecting Indian tribes, and

WHEREAS, in his August 26, 1976, memorandum announcing the appointment of Bradley H. Patterson, Jr., as his Special Assistant, President Ford requested the heads of Federal Agencies to insure that when Federal actions are planned which affect Indian communities, the responsible Indian leaders are consulted in the planning process, and

WHEREAS, in the selection of the individual to occupy the Office of Commissioner of Indian Affairs, the National Tribal Chairmen's Association does by this resolution exercise its right and duty to recommend to the Secretary of the Department of the Interior and to the President of the United States a specific individual whom the Board of Directors of the Association has determined best meets the essential criteria for that Office,

THEREFORE BE IT RESOLVED, that with great honor the National Tribal Chairmen's Association recommends that LaFollette Robert Bulter be named Acting Commissioner of Indian Affairs.

CERTIFICATION

It is hereby certified by the undersigned that the foregoing Resolution was adopted by the Board of Directors of the National Tribal Chairmen's Association in a duly constituted meeting on the 14th day of October, 1976, at which meeting there was a quorum present and a majority of the Board members voting.



PRESIDENT

ATTEST:



SECRETARY





NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION

Suite 207 1701 Pennsylvania Avenue, N.W. Washington, D.C. 20006
202 - 343-9484

29 OCT 1976

Mr. Bradley H. Patterson, Jr.
Special Assistant to the President
The White House
Washington, D. C.

Dear Mr. Patterson:

We were honored that you took time from your very busy schedule to address the Board of the National Tribal Chairmen's Association at our last meeting.

We want you to know we sincerely appreciated the time and information you gave us, and thank you very much for your participation.

Sincerely yours,

William Youpee
Executive Director



Tentative Agenda

National Tribal Chairmen's Association
Board of Director's Meeting
American Indian Bank
10:00 A.M.
October 14 and 15, 1976

Call to Order: Wendell Chino, President, NTCA
Invocation: Kenneth Black, Secretary, NTCA
Opening Remarks: Wendell Chino, President, NTCA
Roll Call: William Youpee, Executive Director, NTCA
Remarks: The Honorable Bradley Patterson
Special Assistant to the President

The Honorable Morris Thompson
Commissioner of Indian Affairs

Dr. Emery A. Johnson
Director, Indian Health Service

Topics for Discussion: *

Interstate Congress for Equal Rights and Responsibilities

Indian Health care Improvement Act, P.L. 94-437

Office of Indian Education, Bureau of Indian Affairs - Reorganization; JOM
Funding Allocation; Consultation Process

Training and Technical Assistance - Broadly, with emphasis on P.L. 93-638

Role Clarification - Pilot Project, Albuquerque Area

P.L. 93-638 Regulations Comments-- NTCA Proposals

Office of Native American Programs - Program Review; Selection of Director

American Indian Policy Review Commission - Review and Follow-up

Indian Desk Consultation Scheduled

Reorganization of Senate Committees for Ninety-Fifth Congress

Legislative Proposals for NTCA for Ninety-Fifth Congress

Standing Committees - Reports



Ad Hoc Committees - Reports

Plans for Meeting with The Honorable Thomas S. Kleppe, Secretary of the Interior

* Calls and letters of invitation have gone to Federal officials, other individuals and organizations knowledgeable on these topics, asking their participation in these discussions.

